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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 8241—S. R. 130-14-3, dated 6th January 1919.

Under Section 4 (*g*) of the Mysore Excise Regulation, V of 1901, as amended from time to time and in supersession of clauses numbered I under Excise Commissioner, Deputy Commissioners of Districts and District Excise Officers in Notification No. 11287—Ex. F. 3-1901, dated 7th January 1902, the Government of His Highness the Maharaja of Mysore are pleased to delegate the following powers to these officers:—

(1) *Powers to be exercised by the Excise Commissioner.*—

(*a*) Power to appoint, transfer and grant leave to all Inspectors and Probationary Inspectors and to promote Assistant Inspectors from the 2nd to the 1st Grade. The appointment of Inspectors on pay of Rs. 100 and above will be subject to approval of Government.

(*b*) Power to appoint and transfer ministerial and menial establishment in his own office and in the Central Distillery including the executive establishment in the latter.

(*c*) In regard to punishments full powers in respect of all the above officials.

(2) *To the Deputy Commissioners of Districts.*—

(*a*) Power to appoint, transfer and grant leave, etc., to Assistant Inspectors of and above Rs. 20 except the promotion of Assistant Inspectors from the 2nd to the 1st Grade.

(*b*) In regard to punishments full powers in respect of all the above officials.

(*c*) Power to appoint ministerial officers above Rs. 20 in the District Excise Offices.

(3) *To the District Excise Officers.*—

(*a*) Power to appoint Sub-Inspectors and menial servants and (Assistant Inspectors on Rs. 15)l

(*b*) Power to transfer Assistant Inspectors on Rs. 15, Sub-Inspectors and menial servants, but when they are to be transferred from one district to another, the approval of the Deputy Commissioners of Districts concerned should be obtained.

(*c*) In regard to punishments, power to fine up to Rs. 5 and to award black marks up to Assistant Inspectors of all grades, to degrade and suspend Assistant Inspectors on Rs. 15 and full powers in the case of Sub-Inspectors and menial servants.

(*d*) Power to appoint Clerks up to Rs. 20 and menial of all classes in District Excise Office Establishments.

By Order,
C. S. BALASUNDARAM IYER,
Chief Secretary to Government.

No. 8297—Ml. 129-18-1, dated 7th January 1919.

In exercise of the powers conferred by Section 11 (*c*) of the Mysore Municipal Regulation, No. VII of 1906, and in supersession of the existing rules on the subject, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules prescribing the qualifications of voters and candidates at elections of Municipal Councillors in a City Municipality and regulating the conduct of such elections.

Preliminary.

1. These rules may be cited as "the City Municipal Election Rules, 1919."

2. In these rules "the Regulation" means the Mysore Municipal Regulation, No. VII of 1906, as amended by Regulations Nos. IX of 1911, VIII of 1914, VIII of 1915, III of 1916 and V of 1918.

Divisions.

Dividing of Municipalities into Divisions and apportioning elective Councillors thereover.

3. (i) The Municipal Council may divide the Municipality for electoral purposes into as many divisions as may be necessary the boundaries of which shall be clearly defined, and, when such a division has been made, shall apportion the number of elective Councillors over the said divisions with reference to the population, the number of voters and the total revenue under assessed taxes in every Division.

(ii) The Divisions into which the Municipalities of Bangalore and Mysore are at present divided for electoral purposes and the number of elective Councillors at present apportioned over the several divisions shall be deemed to have been fixed and apportioned under clause (i).

(iii) The Municipal Council, may, from time to time, alter the number and boundaries of the Divisions and re-apportion the number of elective Councillors among the Divisions: provided that except with the sanction of the Government no such alteration or re-apportionment shall take effect within six months from the date on which

it is made and that every such re-apportionment be made in the manner aforesaid.

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4. (1) If in any division of a Municipality divided for electoral purposes into divisions under the foregoing rule not less than 50 per cent, and in a Municipality not so divided not less than 25 per cent, of the total number of persons eligible to vote belong to any one section of the inhabitants, then such voters may apply to Government, provided that the application is made by not less than three-fourths of their total number, for permission to elect one or more members of such section and the Government may thereupon pass such orders as they deem fit.

(2) If, in any Municipality, there is any recognised public body or association, such body or association may apply to Government by a resolution passed by not less than three-fourths of the total number of members of such body or association for separate representation on the Municipal Council by election from among themselves: provided that the strength of such body or association has not been less than 100 for a period of six months next prior to the date of such resolution, and that not less than three-fourths of the members are entitled to have their names entered in the list of voters and the Government may thereupon pass such orders as they deem fit.

Qualification of Voters and Candidates.

Qualification of voters.

5. Unless disqualified under Section 21 of the Regulation by being less than 21 years of age, all persons who are of sound mind, and who are not deaf-mutes, and who are subjects of Mysore or of any other State in India and all British Subjects qualified as voters under Section 12 (*a*) and (*b*) of the Regulation and the following persons of the male sex shall be entitled to have their names entered in the list of voters, *viz*:—

Who have been residents of the Municipality for not less than six consecutive months prior to the date of the publication of the list of voters.

(i) First and Second grade pleaders holding Sannads from the Chief Court of Mysore.

(ii) Persons upon whom titles have been conferred by the Government of India, or by His Highness the Maharaja of Mysore.

(iii) Servants of Government, or of any public body, or of any corporation or of any company registered under Regulation, VIII of 1917, whose salary is not less than Rs. 50 per mensem.

(iv) Persons in receipt of pension of not less than Rs. 15 per mensem from Government, or, from any public body, or corporation or company registered as aforesaid; and

(v) Registered landholders whose holdings are assessed (or in the case of alienated lands, would be assessed if they were not alienated) to the land revenue at an amount not less than Rs. 5.

(vi) (*a*) Persons who have paid for a period of not less than six months next prior to the date of the publication of the list of voters, Municipal

taxes, other than octroi or toll, of an amount not less than Rs. 2-8-0.

(*b*) Persons who have been during the period aforesaid the occupiers as owners, mortgagees or tenants of buildings on account of which there has been paid for such period a tax of not less than the amount fixed under the above para.

Provided that—

(*a*) when any qualification prescribed by this rule is possessed by an undivided family, or any association or body of individuals, other than a company or firm or any trustees, being two or more in number of any building or land, any one individual person duly authorised in this behalf by the members of such family, association or body or by such trustees and when such qualification is possessed by any company or firm the resident member, manager or agent thereof shall, unless he is disqualified under Section 21 of the Regulation on account of being less than 21 years of age, be entitled to have his name entered in the list of voters on behalf of such family or association or body or trustees or company or firm;

(*b*) if any person whose name is entered in the said list under proviso (*a*) possess on his own separate account any qualification prescribed as aforesaid, he shall be entitled to have his name entered in the said list separately on his own account;

(*c*) except in the case mentioned in proviso (*b*) no person shall be entitled to more than one vote although he be qualified under two or more of the tests of qualification prescribed by this rule or by Section 12 of the Regulation.

Voters entitled to vote in one Division only.

6. Each voter shall be entitled to vote in the division in which he resides or in the case of a qualification arising from the payment of Municipal taxes, in the division in which his liability to pay the same occurs.

Provided that—

(*a*) no person shall be entitled to vote in more than one Division;

(*b*) any person possessing the qualifications of a voter in connection with more than one Division shall be at liberty to choose for which of such Divisions he shall be entitled to vote, and failing his doing so within a week after public notice has been given calling up on all such persons to make their choice shall be entitled to vote in such division as the Municipal Council shall determine.

What persons may be candidates at a Municipal lection.

7. (i) Voters of the classes described below shall unless illiterate or disqualified under Section 15 of the Regulation, be qualified to be candidates for Municipal Councillorship at such election:—

(*a*) persons mentioned in Section 12 (*a*) and (*b*) of the Regulation,

(*b*) persons mentioned in paras (i) and (ii) of Rule 4 *supra*,

(*c*) persons other than Government servants described in para (iii) of the above said rule if their pay is not less than Rs. 100.

(*d*) Pensioners of the kind described in para (v) of 4 *supra*, provided that their pension is not less than Rs. 50 a month.

(*e*) Registered landholders whose holdings are assessed (or in the case of alienated lands would be assessed if they were not alienated) to the land revenue at an amount not less than Rs. 10.

(*f*) (1) Persons paying Municipal taxes of amounts not less than Rs. 5.

(2) Persons who have been the occupiers as owners, mortgagees or tenants of buildings on account of which there has been paid a tax of not less than the amount fixed under the above sub-para.

(ii) Any person whose name is entered in the list of voters as entitled to vote in one Division may be a candidate for election either in the Division for which his name is so entered or in any other Division.

List of Voters and Candidates.

By whom and in what manner and at what periods list of voters and candidates is to be prepared.

8. (i) The Government shall, from time to time, appoint an officer of the Municipal Council to prepare a list of voters. This list shall also indicate what persons shown therein are eligible to be candidates at elections.

(ii) Such list shall show the persons entitled to vote in each Division separately.

(iii) Similar new lists shall be prepared every year by an officer of the Municipality as aforesaid.

9. Every list prepared under Rule 8 shall be published in the official *Gazette* both in English and Kannada and copies thereof affixed at the Municipal Office, and at such other conspicuous place or places within the Municipality, as the Municipal Council shall appoint at least two months before the 1st day of June or other date the Government may determine by notice to be given in that behalf and to be affixed at the Municipal Office.

Revision of lists.

10. (i) Any person whose name is not entered in the list of voters published as aforesaid and who deems that he is entitled to have his name entered therein, any person whose name is entered in the said list and who is eligible to be a candidate at election but who is not shown as such therein, and any person whose name is entered in the said list who shall think that the name of some other person has been wrongly entered therein as a voter or as a voter and candidate, may apply in writing within a fortnight from the date of publication of the list, to the officer or other person appointed under Rule 8 to prepare the list, for the amendment thereof.

(ii) The officer or other person appointed as aforesaid shall forthwith forward every such application, with his report thereupon, for the decision of the Municipal Council.

(iii) The officer or other person appointed to prepare the list may also bring to the notice of the Municipal Council within a fortnight from the date of publication

of the list, any additions to, or corrections in the list which he shall discover to be necessary, otherwise than on the application of any person interested therein.

(iv) Notice of every application under sub-section (i) and of every reference under sub-section (iii) should be given by the Municipal Council, to any person affected thereby and the Municipal Council at its next meeting, shall consider and pass order on such application or reference. A copy of every order so passed upon an application shall without delay be communicated to the person by whom the application was made and a copy of every order, whether upon an application or a reference shall without delay be communicated to each person, if any, whose name is thereby ordered to be removed from the list of voters, or, who is declared ineligible to be a candidate at election.

(v) An appeal shall lie to Government from the decision of a Municipal Council on any such application, or reference, but the Government may decline to entertain any appeal which is not presented within ten days from the date when the decision of the Municipal Council is communicated to the appellant.

(vi) Every order passed by the Government under this rule shall be final.

Publications, additions, etc., made on revision of list.

11. (i) All additions to, and corrections in the list of voters and candidates, made under the authority of the Municipal Council or of the Government on appeal or otherwise, shall be published in the manner prescribed in Rule 9 at least fourteen days before the date specified in that rule.

Custody of list.

(ii) Every list of voters prepared with all additions thereto and corrections therein made under these rules shall be entered in a book, each page of which shall be sealed with the common seal of the Municipal Council, and the said book shall be kept in the Municipal chest or safe under lock and key, and the officer whose duty it is to keep the key of the said chest or safe shall be responsible for the safe custody of the said book.

Time and Place for Elections.

President to fix and publish times and places for elections.

12. The dates on which, the hours during which, and the places at which, Municipal elections shall be held shall be fixed by the President subject to approval of Government by written notice published in English and Kannada not less than fifteen days before the earliest date prescribed in such notice, and copies of the notice shall be affixed at the Municipal Office, and at such other conspicuous place or places within the Municipality as the Municipal Council appoint for this purpose.

Votes at Elections.

What persons may vote at a Municipal election.

13. Only those persons shall be entitled to vote at a Municipal election, whose names are entered in the revised list of voters and candidates of the Municipality in which such election is held, last published before the date of election, and the said persons shall be entitled to vote in the division for which their names are, respectively, entered in the said list.

Nomination of Candidates.

Nomination how and by whom to be made.

14. (i) Every person who desires or is willing to become a candidate for a Municipal Councillorship and who is shown in the list of voters and candidates as eligi-

sioner's approval or nomination, as the case may be, shall be final.

(2) The date of election shall be fixed by the Deputy Commissioner.

(3) Not later than one month before the date fixed for election the Deputy Commissioner shall get a list of persons qualified to be elected prepared.

(4) The Deputy Commissioner shall, not less than ten days before the date fixed for the election cause a list of the persons qualified to be elected to be left at the usual residence of each of the persons entitled to vote at such elections, together with a notice inviting the last named persons, before the date fixed for the election to make each a written return to him of the name of any one of the persons mentioned in the said list for whom they wish to vote.

(5) On the date fixed for election or as soon as may be thereafter, the Deputy Commissioner shall inspect all returns duly made as aforesaid, and shall record in writing under his signature the result of the election.

(6) If at an election no votes are recorded or, if for any reason the election does not result in the return of any qualified person willing to take office, the Government shall with the recommendation of the Deputy Commissioner appoint some person who would have been qualified to be elected.

IV. Rules for election by Municipal Councils.

(14) A Municipal Council shall observe the following rules for the election of their representative on the Taluk Board.

(i) The election shall be held on such date as the Deputy Commissioner shall fix in this behalf.

(ii) A special general meeting of the Municipal Councillors shall be called for the date so fixed in the manner and by the authority prescribed in the Municipal Law, or rules for convening of such meetings, for the purpose of holding the said election.

(iii) The meeting shall be held in the place in which the Councillors usually meet for the transaction of business, and the election shall be held in the same manner in which any proposition or business legally brought before a special general meeting of the Municipal Council is usually considered and voted upon by the Municipal Council and the names of the Councillors voting respectively for and against each candidate shall be recorded in the Municipal Council's minute book.

(iv) The result of the election shall be declared by the President of the meeting and shall be communicated by him without delay in writing under his signature to the Deputy Commissioner for being published in the *Mysore Gazette*.

V. Rules for elections by Taluk Boards to District Boards.

(15) Within one month of the publication of the names of members of a Taluk Board in the *Mysore Gazette*, the President of the Board shall call for a meeting of the

Board on a specified date to elect their representatives on the District Board.

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(ii) Such election shall not be held unless the President and at least one-half of the elected members and half the total number of members of the Board are present at the meeting.

(iii) Any member who desires or is willing to be elected must be proposed by one and seconded by another member other than himself present at such meeting, and the votes of the members present at the said meeting upon every such proposal shall be taken by the President.

(iv) The election shall be decided by a majority of votes of the members present at the meeting, the President having a second or casting vote in every case of an equality of votes.

(v) The results of the election shall be declared by the President at the meeting and shall be communicated by him without delay in writing to the Deputy Commissioner for being published in the *Mysore Gazette*.

(vi) The President shall also forward to the Deputy Commissioner under his signature minutes of the proceedings of the meeting in which shall be recorded:—

(*a*) The names of the members present;

(*b*) The names of the proposer and the seconder of each proposal and of the member proposed;

(*c*) The names of the members voting respectively, for and against each proposal.

Payment of allowances to members.

11. (1) No member of a local board shall be entitled to any salary or allowance by virtue of his office, but every local board may grant travelling allowance for its non-official members at the following rates. It should be understood that the rates fixed in each case include the cost of any servants accompanying the member.

DISTRICT BOARD.

Annas 4 per mile by road.

Double 2nd Class fare by rail.

TALUK BOARD.

Annas 3 per mile by road.

Double 2nd Class fare by rail.

(*a*) No travelling allowance is admissible to any member who does not travel more than 5 miles from or to his place of residence nor can batta or halting allowance be paid in addition to travelling allowance. Nevertheless, a non-official member of a District or Taluk Board required to stay for more than a day for the meeting of the Board may be given a daily allowance of Re. 1.

(*b*) For journeys undertaken by a member for the purpose of inspection or check measurement of works or other specific duty, travelling allowances may be paid at the rates allowed for attending the board meetings, subject to the conditions:—

(i) that the journeys are undertaken on the written requisition of the President of the local board concerned, and,

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(ii) that the claim for travelling allowance is in each case admitted under the orders of the President of the District Board.

(*c*) A non-official President or Vice-President of a District Board will receive travelling allowance at rates admissible to an Assistant Commissioner.

(*d*) A non-official President or Vice-President of a Taluk Board will receive travelling allowance at rates admissible to an Amildar.

(2) The rates of allowances to official members will be regulated by the Mysore Service Regulation, and charged to the heads of service to which they belong.

Attendance Register.

12. An attendance register should be maintained in the offices of Local Boards in form appended. A separate page should be set apart in this for each meeting and every member attending it should be required to sign it before leaving the meeting. The President of the meeting should record in words under his signature, the total number of members actually present at the meeting. Presidents when countersigning travelling allowance bills of members should satisfy themselves either by a reference to the register or by the certificate of the Vice-President that the bill has been checked with the register, that the members concerned actually attended the meeting and that the amount of travelling allowance has not been passed for payment already. The register should be initialled by the President or the Vice-President as the case may be.

Attendance Register of members of the $\frac{\text{Taluk}}{\text{District}}$ Board.

Date of meeting	Signature in full of members attending	Amount of travelling allowance			Date on which passed by the President	Initials of the President	Date of payment	Remarks
		Rs.	a.	p.				

By Order,

B. RAMASWAMAIYA,

Secretary to Government,
Revenue Department.

ble to be a candidate at the election must be nominated in writing for this purpose by two persons entitled to vote at the election for such Municipal Councillorship and the nomination paper must bear an endorsement signed by the nominee signifying his willingness to serve, if he should be elected, and be delivered to the officer appointed by the Government for this purpose at least ten days before the date fixed for election.

(ii) The said officer shall, if any nomination paper is prepared and delivered to him in accordance with subsection (i) and if the nominators establish to his satisfaction that they are entitled to vote at the election and that the nominee is qualified as a candidate, include the nominee's name in a list of candidates which shall be prepared under his signature and posted up at the Municipal Office and at the place at which the election is to be held and in other conspicuous places, at least five days before the date fixed for election.

(iii) When elections are to be held at or about the same time in two or more divisions, one and the same person may be nominated for election in all or in any number of the said divisions.

Conduct of Elections.

Appointment of Polling Officer.

15. A Polling Officer shall be appointed by the President of the Municipal Council to preside at each place at which an election is to be held and to receive votes thereat. If possible, the Polling Officer shall be a person who is acquainted with, and therefore able to identify, the voters or the greater number of them.

For how many and for what persons votes may be given.

16. Every voter may vote for as many candidates as there are Councillors to be elected for the division. A vote for any person whose name is not included in the list of candidates published under Rule 14 shall not be received.

Voters to vote in person.

17. Voters must vote in person.

Voting to be by ballot.

18. The votes shall be given by ballot.

Description of ballot.

19. The ballot of each voter shall consist of an envelope supplied at the Polling Office, on the face of which the number of vacancies to be filled and the names of candidates for election whose nominations have been included in the list of candidates under Rule 14 shall be printed or legibly written, but the name of any candidate who may have subsequently withdrawn his candidature should be scored out by the President of the Municipal Council or the Polling Officer under the orders of the President. The voter shall write his name and number inside the envelope and hand it over to the Polling Officer, who shall, after seeing that the name and number of the voter are legibly entered, close the envelope, seal it or sign across the flap and give it to the voter. In the case of illiterate voters, the Polling Officer shall enter their name and number inside the envelope.

Procedure in voting.

20. (i) The voter shall then go into a private cubicle, which shall be provided within the polling booth, score out the name or names of the candidates for whom he does not vote, retaining the name or names of the candidates, not exceeding the number of persons to be elected, for whom he votes and himself drop, without the Polling Officer seeing for whom he has voted, the envelope into the ballot box. The Polling Officer shall carry out any

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special rules that may be made by the President of the Municipal Council, as he is hereby empowered to make such rules, for recording the votes of illiterate persons and also of such as are unable to write.

(ii) The ballot box shall be so constructed that the ballot paper can be introduced but not extracted without the box being unlocked and it shall be securely sealed by the President of the Municipal Council with the Municipal seal. The President shall certify in writing that the box is empty and hand it over personally to the Polling Officer at the Polling Office on the day of election.

(iii) One or more boxes so sealed shall be provided by the Municipal Council for each place at which votes are to be received.

What votes shall be allowed by the Polling Officer.

21. No vote shall be received by the Polling Officer from any person who, under Rule 12, is not entitled to vote.

Polling Officer to satisfy himself of identity of persons tendering votes, etc.

22. The Polling Officer shall satisfy himself as to the identity of the persons tendering votes, and may refuse the vote of any person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction. He is also responsible for seeing that the votes shall be recorded with absolute secrecy, that no person who is not entitled to vote shall be admitted to the polling booth and that persons who have recorded their votes shall leave the booth immediately.

Voting boxes how to be disposed of by Polling Officer.

23. After the close of the poll, the Polling Officer shall forthwith forward the box or boxes aforesaid with its seal or their several seals intact, to the President of the Municipal Council, or to such Municipal Councillor, or, officer as the President appoints in this behalf.

Determination of results of Elections.

Scrutiny of votes and declaration of results of elections.

24. (i) The boxes aforesaid shall be opened in the presence of the Municipal Councillors at a special general meeting convened for this purpose.

(ii) The votes shall then be scrutinized and those that are valid counted by such persons as the Councillors present appoint in this behalf. Any ballot paper on which the names of more candidates are retained than there are persons to be elected, shall be invalid.

(iii) The results of the election on being ascertained at a special general meeting of the Municipal Councillors shall be declared by the presiding officer of such meeting and shall be recorded in the minutes of the proceedings of the meeting. Provided that no candidate shall be considered as elected unless he secures the votes of at least one-eighth of the total number of persons entitled to vote.

Proceedings when two or more candidates have an equal number of votes, etc.

25. (i) If there is an equal number of votes in favour of each of two or more candidates for one Councillorship, the selection of one of such persons shall be made by lot by the presiding officer of the aforesaid meeting, in such manner as the meeting shall determine.

(ii) In the event of any person being elected for two or more divisions, such person shall be at liberty to choose the division which he will represent and failing his doing so within forty-eight hours after the declaration of the result of the election, he shall represent such of the said divisions as the Government shall determine. In every other division for which the said person has been

returned other than the one which he elects to represent or which it is determined as aforesaid that he shall represent, the result of the election shall be determined as if no votes had been recorded for him.

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Custody and Destruction of Voting Papers.

Safe custody of voting papers and Polling Officer's memoranda.

26. When the voting papers have been scrutinized, they shall be replaced in the box from which they were taken, and the box, after being locked and sealed with the Municipal seal shall be kept by the President of the Municipal Council in safe custody for a period of fifteen days from the date of the declaration of the result of election.

Eventual destruction of voting papers and Polling Officer's memoranda.

27. (i) On the expiry of fifteen days from the said date, or, if an application regarding the election is made to the District Judge under Section 22 of the Regulation, and such application is not finally disposed of before the expiry of fifteen days from the said date, then whenever such application has been finally disposed of, the voting papers shall be destroyed in the presence of such Municipal Councillor or officer as the Municipal Council appoints for this purpose.

(ii) On receipt from any person of a written intimation that he has made an application regarding the election as aforesaid, the Municipal Councillor shall cause the voting papers to be kept, pending the final disposal of the said application.

Gazetting the Results of Election.

Publication of results of elections in the *Mysore Gazette.*

28. The result of every election declared at a special general meeting under Rule 24 shall be certified by the presiding officer of such meeting to the Government for being notified in the *Mysore Gazette.*

Bye-elections.

29. On a vacancy occurring in a Municipality between two general elections, it shall be reported by the President of the Municipal Council to the Government and the above rules shall apply to such bye-elections except Rules 10 and 11. The last revised list of voters and candidates shall be published and persons entered in that list, unless disqualified in the meantime, shall alone be considered entitled to vote or to be elected. Provided that no bye-election shall, except with the sanction of the Government, be held later than one month after the vacancy is reported.

By Order,

C. S. BALASUNDARAM IYER,

For *Secretary to Government,*

Revenue Department.